

RENE L. VALLADARES  
Federal Public Defender  
Nevada State Bar No. 11479  
BENJAMIN F. J. NEMEC  
Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
(702) 388-6261/Fax  
[Ben\\_Nemec@fd.org](mailto:Ben_Nemec@fd.org)

Attorney for Luis Avalos

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
LUIS AVALOS,  
Defendant.

Case No. 2:23-cr-00208-APG-DJA

**STIPULATION TO CONTINUE  
STATUS CONFERENCE  
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson, United States Attorney, and Justin J. Washburne, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for Luis Avalos, that the status conference currently scheduled on March 5, 2024, be vacated and continued to a date and time convenient to the Court, but no sooner than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. The parties have reached an agreement that has yet to be executed. Additional time is needed so the government can draft the plea agreement, and Mr. Avalos can review and sign it.

2. The defendant is incarcerated and does not object to the continuance.

1           3.       The parties agree to the continuance.

2           This is the first request for a continuance of the status conference.

3           DATED this 27<sup>th</sup> day of February, 2024.

4

5           RENE L. VALLADARES  
6           Federal Public Defender

7

8           JASON M. FRIERSON  
9           United States Attorney

10

11          By /s/ Benjamin F. J. Neme  
12          BENJAMIN F. J. NEMEC  
13          Assistant Federal Public Defender

14

15          By /s/ Justin J. Washburne  
16          JUSTIN J. WASHBURNE  
17          Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
LUIS AVALOS,  
Defendant.

Case No. 2:23-cr-00208-APG-DJA

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties have reached an agreement that has yet to be executed. Additional time is needed so the government can draft the plea agreement, and Mr. Avalos can review and sign it.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

This is the first request for a continuance of the status conference.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

## **ORDER**

IT IS THEREFORE ORDERED that the status conference currently scheduled on Tuesday, March 5, 2024, at 9:00 a.m., be vacated and continued to April 16, 2024 at the hour of 9:00 a.m. in Courtroom 6C.

DATED this 29th day of February, 2024.

**UNITED STATES DISTRICT JUDGE**